

REMARKS

Initially, Applicants thank the Examiner for indicating consideration of the documents cited in the Information Disclosure Statement filed on January 26, 2009. Further, Applicants note that although Applicants have repeatedly requested confirmation of the acceptability of the filed drawings, the Examiner has again not confirmed their acceptability. Accordingly, Applicants believe the filed drawings to be acceptable unless the Examiner indicates otherwise in the next official communication.

In the outstanding Office Action, independent claim 3 and dependent claim 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over BEATY et al. (U.S. Patent No. 6,645,368) in view of NANKAI et al. (U.S. Patent No. 5,120,420) in view of IKETAKI et al. (U.S. Patent No. 6,576,112). Independent claim 1 and dependent claims 4-6 and 10 were indicated to be allowable.

Upon entry of the present amendment, independent claim 3 will have been amended. The amendments to independent claim 3 should not be considered an indication of Applicants' acquiescence as to the outstanding rejection. Rather, Applicants have amended independent claim 3 to advance prosecution and to obtain early allowance of the present application.

Applicants respectfully traverse the outstanding rejection of independent claim 3 and dependent claim 9 under 35 U.S.C. §103(a) as being unpatentable over BEATY et al. in view of NANKAI et al. in view of IKETAKI et al. Applicants respectfully submit that the Examiner did not address the claimed microprocessor limitation recited in independent claim 3. The Examiner asserted that the above-noted claimed limitation carries no patentable weight and is allegedly directed to the intended use for the apparatus. By the current amendment, Applicants' amend independent claim 3 to recite, *inter alia*, that the microprocessor measures a time interval from when

an amount of current flows in a first working electrode begins to be detected until a time when an amount of current flowing in a second working electrode begins to be detected, displays an error message when the measured time interval exceeds a predetermined critical period, resupplies the first working electrode and the second working electrode with the power supply voltage when the measured time period is within the predetermined critical range, and re-detects the respective amounts of current flowing in the first working electrode and the second working electrode. Applicants respectfully submit that the amendment to independent claim 3 addresses the Examiner's concern with respect to independent claim 3 allegedly being directed to the intended use of the apparatus. That is, Applicants submit that claim 3 has been revised so that the last portion of the claim is not presented as an intended use, but to further define the features of the microprocessor. Applicants respectfully submit that the Examiner did not cite any portion of any of the applied references as teaching the above-noted features. Applicants further submit that the combination of BEATY et al., NANKAI et al. and IKETAKI et al. set forth by the Examiner is inappropriate as it fails to disclose or render obvious at least the above features, in the claimed combination. Further, at least insofar the above-noted claimed features of independent claim 3 is substantially similar to features recited in independent claim 1, which the Examiner indicated to be allowable, Applicants respectfully submit that independent claim 3 is also allowable.

In view of the above, Applicants submit that independent claim 3 is allowable over the applied art of record. Applicants respectfully submit that dependent claim 9 is allowable at least because depends from independent claim 3, which Applicants submit has been shown to be allowable. Dependent claim 9 is also submitted to recite further patentable subject matter. As such, allowance of the dependent claim is deemed proper for at least the same reasons noted for the

independent claim upon which it depend, in addition to reasons related to its own recitations.

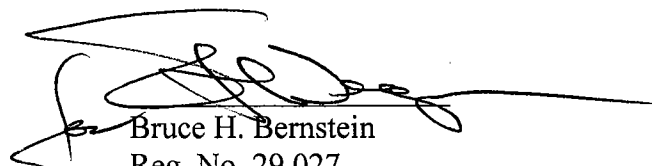
Thus, Applicants respectfully request withdrawal of the 35 U.S.C. §103 rejection of claims 3 and 9 as being unpatentable over BEATY et al. in view of NANKAI et al. and in view of IKETAKI et al., together with an indication of their allowability.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have done so. Applicants have distinguished the claimed invention from the applied art of record and have amended the claims to enhance clarity.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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